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| 10/735,456 | 12/10/2003 | Chen Te Chang | 4188EL | 2047 |

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Chen Te CHANG
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EXAMINER

LEGESSE, NINI F

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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,456

Applicant(s)

CHANG, CHEN TE

Examiner

Nini F. Legesse

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6, 15, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 7, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by W. Eisenberg (US Patent No. 2,084,901).

With regards to claim 1, Eisenberg discloses a putting device comprising two rails (15, 16) each including a curved upper surface formed thereon (19, 20), corresponding to a curved moving pathway of a golf club head while swinging the golf club head relative to said rails (see Fig. 1), and a link coupled said rails together (24, 25).

With regards to claims 3, 4 and 18, Eisenberg include an inner bar having a curved surface (the top surface of grooves 22 and 23) and an outer bulge (19, 20) extended therefrom having a height greater than that of said inner bar (see Figs. 1-5).

With regards to claim 7, Eisenberg's rails include a first end having said link coupled therebetween (24), and includes a second end, and a second link (25) coupled between said second ends of said rails (see Fig. 1).

With regards to claim 14, the inner rail parts of 15 and 16 as shown on Fig. 1 are considered as blocks.

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With regards to claim 17, the top surface of grooves 22 and 23 are considered as seats.

Claims 1, 3, 4, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by W. Eisenberg (2,084,902).

With regards to claim 1, Eisenberg discloses a putting device comprising two rails (15, 16) each including a curved upper surface formed thereon (38,39), corresponding to a curved moving pathway of a golf club head while swinging the golf club head relative to said rails (see Fig. 1), and a link coupled said rails together (17,18).

With regards to claim 17, the wheel elements (47,48,49,50) of Eisenberg are considered as seats.

With regards to claims 3, 4 and 18, the wheel elements (47,48,49,50) include an inner bar having a curved surface and an outer bulge extended therefrom having a height greater than that of said inner bar (refereeing to Fig. 4, the central section of 47 and 48 is considered as an inner bar and the outer flanges are considered as the outer bulge elements).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg in view of Tollin (US Patent No. 5,707,301).

With regards to claims 2 and 5, Eisenberg discloses the invention as recited above but fails to show a graduation on the curved upper surface of the device. Tollin discloses a golf alignment aid with a graduation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide graduation on the upper surface of the Eisenberg invention as taught by Tollin for the proper alignment of a golfer's stance as stated in column 1 line 8-9 of the Tollin's reference.

With regards to claim 9, Eisenberg fails to show a target member having a hole to receive a golf ball. Tollin discloses a target member with a hole (see Fig. 5a). It would have been obvious to include a target member with a hole in the Eisenberg's device as taught by Tollin so that the golfer could easily see when the ball gets in the hole indicating to him that his stroke is accurate and the golfer could easily see when the ball misses the hole indicating to him that his stroke is not proper.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg.

The link elements of Eisenberg include apertures (see the holes on element 26 that receive screw elements 28). Eisenberg discloses screws (28) instead of a pin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use pins rather than screws for minimizing the manufacturing step of making the product.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Maruszczak (US Patent No. 6,805,639).

The references as applied to claim 1 above fail to show a target member including a ramp, and a flag. However Maruszczak teaches the use of a ramp (20) and a flag (22) with a target. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Eisenberg's device with a target with a ramp and a flag as taught by Maruszczak in order to play a simulated game of golf as stated in column 1 line 45 of the Maruszczak's reference.

Allowable Subject Matter

Claims 6, 15, 16, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record teach the use of plurality of depression of the inner bar and the outer bulges and a link that includes at least two teeth to engage into the depression , when affixed in the manner claimed in combination with the other recited features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nini F. Legesse

03/03/05